IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT:

THE HONORUABLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17208 of 2004

Between:

K. Praveen Kumar, S/o. K.V. Kishan Rao, R/o. Plot No.220, South End Park, Mansoorabad Village, Saroornagar Mandal, Ranga Reddy District.

..... PETITIONER

AND

The Commissioner, LB Nagar Municipality, Saroornagar,
Ranga Reddy District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, in the nature of WRIT OF MANDAMUS or any other appropriate Writ or Writs, Order or Direction, declaring the action of the Respondent in rejecting the appeal filed by the petitioner, vide impugned intimation dt. 23-8-2004 in No.35/TPS-1/2004 as illegal and arbitrary by directing the respondent to consider and dispose off the appeal filed by the petitioner, in accordance with the provisions of A P Municipalities Act.

For the Petitioner: MR.H.VENUGOPAL, Advocate

For the Respondent : MR.THIMMA REDDY, Standing Counsel

The Court at the admission stage made the following :

ORDER:

As seen from the grounds of appeal filed before the Honourable Municipal Council, L.B.Nagar Municipality, Ranga Reddy District, Hyderabad, the real grievance of the petitioner is that the conditions imposed while granting lay out sanction by the respondent-Municipality to the Rainbow Constructions which developed the land, not known to the petitioner who purchased the plot bearing No.8-A admeasuring 317 sq. yards in S.Nos.8 and 9 within the limits of Mansoorabad village from Smt. Indira Selvaraj under a registered sale deed dt.4-3-2004, who earlier purchased the same from Rainbow Construction under a registered sale deed dt. 22-4-1998. Since the petitioner was not aware of the resolution passed by the respondent-Municipality about deposit of Rs.10 lakhs by the developer, the petitioner filed the above appeal. The petitioner started construction in accordance with the Municipal Rules and as per the approved layout/Group Housing Scheme. In view of the threat of demolition, he filed OS No.1107/2004 on the file of Principal Junior Civil Judge, North & East, Ranga Reddy District and also filed an appeal as contemplated under Sec. 345(I)(a)(i) of A.P. Municipalities Act, 1965. Instead of entertaining the appeal by disposing of the same by a speaking order, through the impugned intimation, the petitioner was informed that Chairperson directed the Commissioner not to entertain the appeal in view of the pendency of the matter in OS No.1107/2004.

Having regard to the facts and circumstances of the case, the impugned intimation dt. 23-8-

2004 is set-aside and the respondent is directed to consider the appeal in the light of the submissions made by the petitioner in the grounds mentioned therein and pass a speaking order thereon.

The writ petition is accordingly disposed of.

12-10-2004

kmr

To

1. The Commissioner, LB Nagar Municipality, Saroornagar,
   Ranga Reddy District.

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